

EXHIBIT C

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

CASE NO. 19-80744-CIV-MIDDLEBROOKS/BRANNON

F'REAL FOODS, LLC,

Plaintiff,

v.

FRESH BLENDS NORTH AMERICA, INC.,

Defendant,

WELBILT, INC.,

Intervenor Defendant.

SCHEDULING ORDER

This matter is set for Calendar Call on April 8, 2020, and for a jury trial beginning on April 13, 2020. (DE 28). This Court, having considered the Parties' Joint Proposed Scheduling Report, having heard arguments related to the Scheduling Order at the scheduling conference on September 11, 2019, and pursuant to the Federal Rules of Civil Procedure and Local Rule 16.1(b)(3), hereby Orders (consistent with the rulings made at the scheduling conference) as follows:

A. Designation of case management track:

This case is assigned to the standard case management track.

B. Discovery Schedule:

This following discovery schedule shall apply:

1. The Parties exchanged initial disclosures with the information required by Fed.R.Civ. P. 26(a)(1) on **September 4, 2019**.
2. Plaintiff shall disclose infringement contentions by **October 7, 2019**.

3. Defendants shall disclose invalidity contentions by **October 18, 2019.**
4. Defendants shall state whether they will rely upon any opinion of counsel as part of a defense and, if so, shall disclose all opinions within fourteen (14) days after the Court issues its claim construction order.
5. The Parties shall exchange expert reports to which that party bears the burden of proof by **December 6, 2019.**
6. The Parties shall exchange rebuttal expert reports with respect to issues to which that party does not bear the burden of proof by **December 20, 2019.**
7. All discovery, including expert witness discovery, shall be completed by **January 24, 2020.**

C. Any agreements or issues to be decided by the Court regarding the preservation, disclosure, and discovery of documents, electronically stored information, or things:

Discovery of electronically stored information (“ESI”) shall be limited to data reasonably available to the Parties in the ordinary course and scope of business and for the relevant time period. Further, the Parties agree that only information which is relevant, reasonably proportioned to the needs of this case and that is otherwise information that is deemed discoverable and not burdensome to the producing party will be subject to such discovery. The Parties intend to negotiate a proposed order governing the production of ESI and submit such proposed order to the Court for approval.

D. Any agreements the Parties reach for asserting claims of privilege or protection of trial preparation material after production:

The Parties will apply to the Court, if necessary, for approval of any agreements on the confidentiality of documents. Pending entry of a confidentiality protective order, discovery and disclosures deemed confidential by a party may be produced to the adverse party for outside counsel’s “Attorney’s Eyes Only,” solely for purposes of the pending case and the previously filed

Delaware manufacturer action, *f'real Foods, LLC v. Welbilt, Inc.*, C.A. No. 19-1028-CFC (D. Del.).

E. Limitation of the time to join additional parties and amend pleadings:

The Parties shall have until **October 10, 2019**, to join additional parties and to amend the pleadings without seeking leave to amend from the Court.

F. Pre-trial motions:

All pretrial motions and memoranda of law, including motions *in limine*, shall be filed by **March 26, 2020**.

- Any motions *in limine* to be served (but not filed) by **March 13, 2020**.
- Any response to the motions *in limine* to be served (but not filed) by **March 25, 2020**.
- The full briefing of the motions *in limine* will then be filed with the Court on **March 26, 2020**.

G. Need for Rule Variation:

There is no need for use of the Manual on Complex Litigation or any other rule variation in this case.

H. Calendar Call

The Calendar Call shall be held on **April 8, 2020**.

I. Trial Date:

The trial shall be held on **April 13, 2020**.

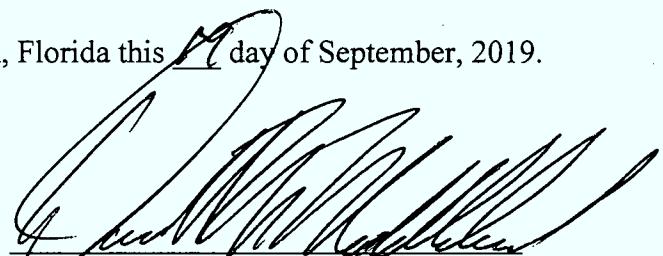
J. Additional pretrial deadlines:

The following additional pretrial deadlines shall also apply:

October 11, 2019	A Mediator must be selected.
October 25, 2019	Parties exchange claim terms, constructions, and extrinsic evidence.
November 4, 2019	Opening Claim Construction Briefs on all disputed terms must be filed.

November 13, 2019	Responsive Claim Construction Briefs on all disputed terms must be filed.
November 26, 2019 @ 1:30 p.m.	Markman Hearing
February 13, 2020	Mediation shall be completed.
February 7, 2020	All summary judgment, <i>Daubert</i> , and other dispositive motions must be filed.
February 21, 2020	Oppositions to all summary judgment, <i>Daubert</i> , and other dispositive motions must be filed.
February 28, 2020	Replies in support of all summary judgment, <i>Daubert</i> , and other dispositive motions must be filed. The Court will decide whether to hold a hearing on dispositive motions.
March 16, 2020	Joint Pretrial Stipulation must be filed. Designation of deposition testimony shall be made.
March 30, 2020	Objections to designation of deposition testimony shall be filed. Late designations shall not be admissible absent exigent circumstances.
April 1, 2020	Proposed Jury Instructions must be filed.

SIGNED, in Chambers at West Palm Beach, Florida this 17 day of September, 2019.



DONALD M. MIDDLEBROOKS
UNITED STATES DISTRICT JUDGE

cc: Counsel of Record